

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MELISSA K. BRABSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:14-CV-336
	)	Phillips/Shirley
SEARS, ROEBUCK AND CO. and	)	
TIM LOCKHART in his capacity as	)	
Manager and individually,	)	
	)	
Defendants.	)	

**ORDER**

For the reasons set forth in the accompanying memorandum opinion, defendant Lockhart's first motion to dismiss [Doc. 4] is **DENIED as moot**; defendant Lockhart's second motion to dismiss [Doc. 13] is **DENIED**; defendant Sears, Roebuck and Co.'s partial motion to dismiss [Doc. 15] is **DENIED as moot**; and plaintiff's motion for voluntary nonsuit [Doc. 19] is **GRANTED**, whereby the following claims will be **DISMISSED without prejudice**: the retaliatory discharge claims against defendant Lockhart under the TPPA and the common law; the claims of negligent infliction of emotional distress against both defendants; and the claim of negligent delegation of duty to hire and train against Sears.

IT IS SO ORDERED.

s/ Thomas W. Phillips  
SENIOR UNITED STATES DISTRICT JUDGE